

Regular Meeting of the Vestal Town Board February 24, 2016

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway West, Vestal, NY on February 24, 2016.

TOWN BOARD PRESENT:

**Supervisor Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar**

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 13 members of the general public.

The Supervisor called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES

On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved the Minutes of the Regular Meeting on February 10, 2016 are approved.

PUBLIC HEARINGS

Local Law “A” of the Year 2016

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* for the Public Hearing regarding proposed **Local Law “A” of the Year 2016** - “A local law to amend the Code of the Town of Vestal by amending Vestal Code Motor Vehicle and Traffic Section 14-82 Article IV *Penalties for Offenses.*” He then opened the Public Hearing.

A speaker asked for a brief explanation of this local law. Supervisor Schaffer responded that the law would increase the fines for various parking violations. The current fines are outdated and do not adequately cover the cost of enforcement.

Seeing or hearing no one else wishing to speak, the Supervisor closed this Public Hearing and asked the Board if it wished to vote on this local law at this time.

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Adopt Local Law “A” of the Year 2016

R055-16 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to adopt **Local Law “A” of the Year 2016** - “A local law to amend the Code of the Town of Vestal by amending Vestal Code Motor Vehicle and Traffic Section 14-82 Article IV *Penalties for Offenses.*” This action has been classified as a Type 2 action under SEQRA and does not require further environmental review:

Section 1.

A local law to amend the Code of the Town of Vestal by amending Article IV, Section 14-82 entitled “Penalties for Offenses” to increase the fines collectable upon conviction for violations of this Article.

Whereas the Town Board has found and determined that the current fines are outdated and do not adequately cover the cost of enforcement and

Therefore Code Section 14-82 is to be amended to read as follows:

“Any person violating any of the provisions of this article may be punished upon the conviction for the first offense by a fine not exceeding \$50.00 and for a second offense within (1) year of the first offense by a fine not exceeding \$75.00, and for any subsequent offense by a fine of \$100.00 or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.”

Public Hearing Regarding Proposed Local Law “B” of the Year 2016

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* for the Public Hearing regarding proposed **Local Law “B” of the Year 2016** - “A local law to amend the Code of the Town of Vestal by changing permitted uses in the *Transitional Neighborhood District*”. He then opened the Public Hearing.

Town Attorney Berger explained the types of activity that is permitted under the Transitional Neighborhood (TN).

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed this Public Hearing and asked the Board if it wished to vote on this local law at this time.

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Adopt Local Law “B” of the Year 2016

R056-16 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to adopt **Local Law “B” of the Year 2016** - “A local law to amend the Code of the Town of Vestal by changing permitted uses in the *Transitional Neighborhood District*.” This action has been classified as a Type 2 action under SEQRA and does not require further environmental review:

Section 1.

A local law to amend the Code of the Town of Vestal by changing permitted uses in the Transitional Neighborhood District (“TN”).

Section 2.

The Town Board of the Town of Vestal has determined that allowing residential use by special permit in the TN zone would enhance the productivity of the properties within the Transitional Neighborhood zone;

Section 3.

The Town of Vestal Code Article IV, Division 1 Section 24-152 is amended by adding to the chart contained in this section under the TN designation “Residential uses, including multiple residence.” The chart is to indicate that the above is allowable only upon obtaining a special permit from the Vestal Town Board.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker asked whether the Board will address the recent application for 2 gateway signs. Supervisor Schaffer responded that the item has been put on hold pending a review by the County.

A speaker made several comments on items on the agenda and asked the Supervisor to respond:

- The Town disposes and/or sells items too early? Supervisor Schaffer’s response: old equipment is replaced as necessary and scrapped. Items that have value, but are no longer needed, are sold.
- We should not be waiving fees to use Arnold Park. Supervisor Schaffer’s response: most members of this group are quite old and waiving the fee is a nice gesture particularly since they are raising money for student scholarships.
- We should not be transferring money or equipment between departments and should adhere to the budget. Supervisor Schaffer’s response: we take these actions to save money and achieve greater efficiency through sharing resources.

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- There is not enough information concerning the appraisal of the UHS property. Town Clerk Bielecki's response: the details and supporting documents for this item and most items on the agenda are provided in an addendum document that is posted along with the meeting agendas on the Town's website.

A speaker expressed support for waiving the park rental fee for the Vestal High School 50 PLUS Club. Many of these folks have paid taxes here for years and this is an appropriate gesture.

A speaker noted that not all of the 50 PLUS Club members live in Vestal. However, they do raise money for scholarships for Vestal students. Many people send in donations.

RESOLUTIONS & MOTIONS

Mary Waibel Appointed as Clerk to Justice

R057-16 On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to authorize Town Justice Joseph Meagher to appoint **Mary Waibel** as a full time Clerk to Justice (non-union) at the rate of \$16.00 per hour effective March 14, 2016. Background check and pre-employment drug test have been successfully completed.

Water/Waste Water to Dispose of Assets

R058-16 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to authorize the Water/Waste Water Superintendent to dispose of and remove from the asset record the following assets. These pumps have been replaced.

<u>Asset</u>	<u>Asset</u>
Aurora Turbine Pump	Replaced with new unit well 4-2
Deming Turbine Pump	Replaced with new unit well 4-2
Peerless Vertical Pump	Replaced with new unit well 4-2
Peerless Vertical Pump	Replaced with new unit well 4-2

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Waive Regular \$300.00 Fee for Rental of Arnold Park

Councilwoman Agneshwar stated that she could support a reduced park rental fee but not a total waiver. The Town will incur some additional cost for cleanup and this should be acknowledged. A full waiver sets a bad precedent.

Supervisor Schaffer noted that Park employees are routinely there on the weekends to empty the trash cans. There is no additional cost to the taxpayer and the Park remains open during the event.

R059-16 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 1 Agneshwar

Resolved to authorize the Recreation Planner Sue Jastran to **waive the regular \$300.00 fee for rental of Arnold Park** by the **Vestal High School 50 PLUS Club** on Saturday, August 13, 2016. The group rents the whole park to safely accommodate the movement of their elderly members. The primary mission of the group is to raise money for scholarships for Vestal High School students.

Re-Certification of 2015 LOSAP Member Listing and Past Credit

R060-16 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved by the Board of Fire Commissioners to approve the **Re-certification of 2015 Length of Service Awards Membership Listing and Past Credit** as outlined in a letter to the Board of Fire Commissioners dated February 17, 2016.

CONSENT AGENDA

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved the **Consent Agenda** is approved as follows:

PUBLIC WORKS: Fitzgerald/Majewski

Highway Employees to Use Town Owned Tractor Trailer

R061-16 Authorization to grant Highway **Employees Jeff Tomczyk and Charles Martin, Jr.** to use a Town owned tractor trailer on February 27, 2016 for

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their Class A license road test. They will not be paid for the day.

Parks to Sell Assets through Auctions International

R062-16 Authorization for the Parks Department Mechanic Kevin Hiller to sell, through **Auctions International**, the items listed below:

3 Chevr Pick up	1 Dust Collector	1 580 Toro Mower
1 Jeep Pick up	1 Power Washer	1 Centar Mower
1 International Truck	1 JLG Lift	1 Standard Mower
1 Ford Van	1 Skid Steer Plow	1 Misc. Tools (weed trimers)
1 John Deer Backhoe	1 Homemade Trailer	1 Set of Truck Boxes
1 Arm saw	1 Mig Welder	1 Water Pump
1 Chop saw	1 Single Man Lift	1 Air Compressor

FINANCE: Agneshwar/Fitzgerald

Receive and File:

Warrant Reports: 2016-06, 2016-06A, 2016-06E, 2016-07, 2016-07E, 2016-07L

Vehicle and Trailer Transfers to IT and Fire

R063-16 Approval to transfer a **2007 Chevy Impala** (asset tag#12151) from the Police Department to IT Department and a **1983 Snowco Trailer** (asset tag#10778) from the Parks Department to the Fire District.

Payment to Ken Frommer for Appraisal Services

R064-16 Approval for the Business Office to remit payment in the amount of \$2,800.00 to **Ken Frommer** for appraisal services rendered regarding the *UHS Hospital Extension Land Value* BCTMP 159.10-1-15.11.

Defensive Driving Course Approved

R065-16 Authorization to hold a 6 hour **Defensive Driving Course** on March 16, 2016 at the Town Hall. Employees will pay \$12.50 each (Town will pay other half); free to volunteer firefighters and \$25.00 for all others, including retirees. Registration is required.

Budget Transfer – Police to Assessor

R066-16 Approval for Town Comptroller Laura McKane to **transfer \$15,398.00** from budget line A3120.1010 to line A1355.1010 (transfer of typist from Police to Assessor) effective February 8, 2016.

PLANNING & ZONING: Messina/Agneshwar
Vestal Band Aides to Use Library Parking Lot

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R067-16 Authorization for the **Vestal Band Aides** to use the Vestal Public Library parking lot for their annual **Brook's BBQ Fundraiser** on May 29, 2016. An Indemnification Agreement is to be signed.

ADMINISTRATION: Majewski/Messina
Reimburse Museum Director

R068-16 Approval for Museum Director Ramona Kacyvenski to be refunded \$29.99 from donation funds (CMO308) for the purchase of a train tent to be placed in the back room for use by the children.

RECEIVE AND FILE:

- Fire Advisory Board Meeting - January 18, 2016
- **Talisman Energy** (2/11/16) – Notice of Intention to Commence Natural Gas Well Drilling Operations in Apolacon Township, Susquehanna County PA.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- Be cautious of the weather tonight. There is a severe storm warning for strong winds, heavy rain, hail and the possibility of tornadoes.

- **Vestal Fire Department**
DEFENSIVE DRIVING COURSE
Station #1 - Four Corners
Tuesday March 8 and Thursday March 10, 2016
6:00 PM to 9:00 PM

To Register call the Vestal Fire Administration Office, at 748-1514 x 383, or email Sue Bowen at sbowen@vestalny.com. Fire District pays \$25 for Department Members and Auxiliary Members. Town pays \$12.50 for current employees and employees pay \$12.50 at the time of the class. \$30.00 fee for non-members.

- **Parkway History & Unveiling of the New**
Vestal Train Station Diorama

Join us at the Vestal Museum for the start of our 2016 Exhibit Season. Open House Saturday March 5th 10 am-2 pm - Meet the Vestal Historical Society and have some refreshments and chance at a door prize!

www.vestalny.com - vmuseum@vestalny.com 748-1432

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COMMITTEE CHAIR COMMENTS

- Councilwoman Agneshwar announced that the Vestal High School is staging the musical *Guys and Dolls* at the Vestal High School auditorium at 7 p.m. Thursday through Saturday and at 2 p.m. Sunday.
- Councilwoman Messina reminded the public about the upcoming Citizens Police Academy and encouraged participation: The **Citizens Police Academy** will be held from March 24th thru May 26th, Thursday nights from 6:30 PM - 8:30 PM in the Town Board room. E-mail skintner@vestalny.com to sign up.

ADDITIONAL PUBLIC COMMENTS

A speaker noted that on March 16, 2016, WSKG-TV will be airing a story on the history of the Vestal Parkway.

Referencing the notice from Talisman Energy to commence gas drilling operations just across the border in Pennsylvania, a speaker asked if the Town takes any action on these. He feels that the operations may pose risks to the Town and someone should at least go out to see the drilling locations and ask some questions. As an example, he cites the placement of a fracking pond just across the border near the Choconut Creek. There is little information about this pond and someone from the Town should be checking such projects to make sure that they comply with all of the environmental regulations and do not pose any risks to Vestal.

Supervisor Schaffer responded that the referenced pond is a fresh water retaining pond located on private land. We should not be trespassing on private land. The Town does not have a formal procedure to deal with these notices but he and several of the Board members do routinely monitor the gas drilling activities just across the border in Pennsylvania. To their credit, the PA Department of Environmental Protection (DEP) has stepped up their regulatory activity. He will send a letter to the DEP to express our concerns.

A speaker noted that a number of the gas drilling companies operating in Pennsylvania have been fined for various violations. These gas drilling operations are close to us and someone should be doing inspections on the new wells to assess their impact on the Town of Vestal.

A speaker commented on several topics and received responses as follows:

- The number of lawsuits is proof that we are over assessing. Supervisor Schaffer's response: our assessment roll continues to be certified by NYS at 100% of market value.

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- Most homes in Vestal are selling below their assessed value. Councilwoman Messina's response: in last Sunday's Press listing of home sales, two homes in Vestal sold for over \$20,000 above their respective assessed values.
- Councilman Majewski should not get paid when absent from meetings and should resign. The meetings dates should not be adjusted to accommodate Board members and there should be term limits. Supervisor Schaffer responded the he does not oppose term limits. Councilman Majewski does a good job on the Board, but if the speaker is so determined to get him off the Board, he should run against him. Councilwoman Messina reminded the speaker that state law dictates that board meetings be set for the convenience of the board. Regardless, this Board makes every attempt to schedule meetings times that are convenient for the public and allows the public to speak at meetings even though there is no requirement to do so.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the meeting was adjourned at 6:54 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk